

Notice of Allowability

Application No.

10/751,077

Examiner

Terrence R. Till

Applicant(s)

STEPHENS ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/12/06.
2. ☒ The allowed claim(s) is/are 8,10,12-21,23-63 and 65-77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060518.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with J. Moldovanyi on 5/18/06.

The application has been amended as follows:

In claim 8, line 11, "said filter assembly" has been changed to --said exhaust filter housing--.

2. The following is an examiner's statement of reasons for allowance: With respect to claim 8, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly said suction duct surrounded by said exhaust filter housing and extending downward along an axis of said cyclonic airflow chamber". With respect to claim 13, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly said airflow chamber including a first chamber inlet, a second chamber inlet spaced from said first chamber inlet, and an axial chamber outlet and a diverter located at said chamber inlet, wherein said diverter directs said suction airstream to flow tangentially within said chamber. With respect to claim 17, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly said airflow chamber including a chamber inlet and an axial chamber outlet, said chamber outlet, said suction duct, and said suction inlet are axially positioned parallel to a central longitudinal axis of the upper assembly. With respect to claim 18, the prior art does not

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disclose nor render obvious the claimed combination of subject matter, particularly a bleed air port communicating with said suction duct. With respect to claim 21 the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a stem extending from said base wall of said dirt receptacle. With respect to claim 35, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a filter assembly, comprising a first filter, removably mounted on said stem. With respect to claim 50, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a filter removably mounted in said filtration chamber, the filter comprising a closed upper end. With respect to claim 51, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly an outlet from said filtration chamber, said outlet being located on said dirt receptacle base wall, said outlet of said filtration chamber comprises a stem protruding from said dirt receptacle base wall. With respect to claim 63, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly said outlet of said filtration chamber comprising a stem protruding from said dirt receptacle base wall. With respect to claim 73, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a filter removably mounted in said filtration chamber, said filter comprising a closed upper end and an axial outlet from said filtration chamber, said outlet being located on said dirt receptacle base wall.

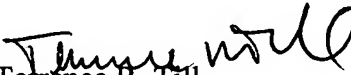
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Terrence R. Till
Primary Examiner
Art Unit 1744

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